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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,512	06/25/2003	Krik Johnson	CRD-941 CON	3631
27777 PHILIP S. JOH	7590 04/06/2007 NSON		EXAMINER	
JOHNSON & J	OHNSON		NGUYEN, VI X	
	N & JOHNSON PLAZA WICK, NJ 08933-7003		ART UNIT PAPER NUMBER 3734	
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SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MOI	NTUS	04/06/2007	DADED	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 3 CFR 1.136(s). In ne event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - I'NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any searced patent term adjustment. See 37 CFR 1.704(b).  - Status  1) Responsive to communication(s) filed on 03 February 2006.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-26 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 13.14.25.26 is/are allowed.  6) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.  8) Claim(s) is/are objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).	e <sup>-</sup>							
### Examiner ### Art Unit ### 3734  The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extension of line may be available under the previous of 37 CFR 1-13(8). In no event, however, may a reply be threely fined in the cover in the cover sheet with the correspondence address If NO period reply is specified above, the maximum statory relieved way pay and we series \$12, MONTHS from his mailing date of his communication. Failure to reply within the act or extended point for reply will, by statistic, easier the application, even if linely feet, may redore any statistic to reply within the act or extended point for reply will, by statistic, easier the application, even if linely feet, may redore any statistic to reply within the act or extended point for reply will, by statistic, easier the application, even if linely feet, may redore any statistic to reply within the act or extended point for reply will, by statistic, easier the application and extended point for the mainted point of the order of the order of the order of the order of the action is fined the application for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  Application of Claims  Application of Claims  The action of the above claim(s)		Application No.	Applicant(s)					
Victor X. Nguyen   3734		10/603,512	JOHNSON ET AL.					
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3)   Information disclosure statement(s) (1 10/05/00)	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No	(s)/Mail Date					
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### **DETAILED ACTION**

1. This is a response to the amendment dated 2/3/2006. Claims 1-26 are pending. The terminal disclaimer is acknowledged.

# Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12 and 15-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claims 1 and 15, the disclosure does not describe, "actuating means for causing said vascular filter to move from said smaller first diameter to said larger second diameter and back to said smaller first diameter". This limitation was presented in the application filed 6/25/2003 and yet only on pages. 9 and 11 of applicant's specification, does mention "the filter may be deployed any suitable means, and is preferably deployed through the use of a sheath". Clarification is requested.

#### **Drawings**

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, **actuating means** defined in claims 1 and 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

## Allowable Subject Matter

4. Claims 13,14 and 25-26 are allowed.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor X. Nguyen whose telephone number is (571) 272-4699. The examiner can normally be reached on M-F (8-4.30 P.M).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on (571) 272-4697. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <a href="http://pair-direct.uspto.gov">http://pair-direct.uspto.gov</a>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Victor X Nguyen Examiner

Art Unit 3734

VN 4/2/2007

> MICHAEL J. HAYES SUPERVISORY PATENT EXAMINER

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